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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/871,019	05/31/2001	Gerald Keith Sosalla	16214A	8208

23556 7590 05/12/2004

KIMBERLY-CLARK WORLDWIDE, INC.  
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EXAMINER

TRAN, LOUIS B

ART UNIT PAPER NUMBER

3721

DATE MAILED: 05/12/2004

22

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/871,019

Applicant(s)

SOSALLA, GERALD KEITH

Examiner

Louis B Tran

Art Unit

3721

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
  - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
  - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
  - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 20 February 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1,2,6,18,19,22 and 23 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,2,6,18,19,22 and 23 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 19,20.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

### **DETAILED ACTION**

This action is in response to applicant's amendment, Paper No. 21, received on 2/20/2004. Cancellation of claim 5 in Paper No. 21 is acknowledged.

#### ***Terminal Disclaimer***

1. The terminal disclaimer filed on 09/08/2003 disclaiming the terminal portion of any patent granted on this application which would extend beyond the expiration date of USPN 6,612,462, application 09/871,020, has been reviewed and is accepted. The terminal disclaimer has been recorded.

#### ***Information Disclosure Statement***

2. The information disclosure statement (E-IDS) and supplemental IDS submitted on 01/06/2004 was filed after the mailing date of the non-final rejection on 10/20/2003. The submission is in compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosure statement has been considered by the examiner.

#### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1,2, and 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Craig et al. (6,286,712) in view of Mertens (4,768,810) in further view of Steeves (3,518,810).

Craig et al. discloses the invention substantially as claimed including a stack of fan folded material, each clip comprising a plurality of fan folded sheets formed from a same web of material, each clip joined to an adjacent clip by a last sheet of one clip being adhesively joined to a first sheet of a succeeding clip (as in claim 1)

Furthermore, Craig et al. teaches wherein a liquid in is in combination with the stack of fan folded material (as in claim 6) as discussed in column 1, line 21, but does not show each sheet joined to at least one adjacent sheet by a weakened line wherein weakened line is formed in the length direction of the sheets and the weakened line is located at an end of each sheet when such sheet joins the end of the adjacent sheet by the weakened line (as in claim 1), wherein the weakened line comprises perforations (as in claim 2), the liquid at an add-on rate of about 25 to about 600 weight percent based on dry weight of the stack of fan folded material (as in claim 6).

However, Mertens teaches the use of each sheet joined to at least one adjacent sheet by a weakened line 12, 25 as seen in Figure 1 and 2 wherein weakened line is formed in the length direction of the sheets and the weakened line is located at an end of each sheet when such sheet joins the end of the adjacent sheet by the weakened line (as in claim 1), wherein the weakened line 12,25 comprises perforations (as in claim 2), for the purpose of allowing individual sheets of uniform size to be torn evenly as discussed in column 2, line 42.

Therefore, it would have been obvious to one having ordinary skill in the art to provide Craig et al. with perforation in order to easily tear individual sheets evenly.

Moreover, Craig et al. does not show the plurality of fan folded sheets comprise fold lines formed in a length direction of the sheets (as in claim 1); however, Steeves teaches the notoriously well known use of longitudinal fold lines in a length direction in order to provide a compactly packaged article as in column 1, line 54.

Therefore, it would have been obvious to one having ordinary skill in the art to provide longitudinal fold lines in order to provide compact packaging.

With respect to claim 6, Craig et al. discloses the claimed invention except for having the liquid at an add-on rate of about 25 to about 600 weight percent based on dry weight of the stack of fan folded material . It would have been obvious to one having ordinary skill in the art at the time the invention was made to find an optimum range for liquid application, since it has been held that where the general conditions of a claim are disclosed in the prior art, discovering the optimum or workable ranges involves only routine skill in the art. *In re Aller*, 105 USPQ 233.

5. Claims 18,19,22, and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Craig et al. (6,286,712) in view of Mertens (4,768,810) in further view of Steeves (3,518,810).

Craig et al. discloses the invention substantially as claimed including a stack of fan folded material, each clip comprising a plurality of fan folded sheets formed from a unitary web of material, and each clip joined to an adjacent clip by a sheet of one clip being separably joined to a different sheet of a succeeding clip (as in claim 18), wherein separably joined comprises adhesively 17,18 joined (as in claim 22) but does not show each sheet joined to at least one adjacent sheet by weakened line.

However, Mertens teaches the use of each sheet joined to at least one adjacent sheet by weakened line 12, 25 wherein the weakened line is formed in a length direction of the sheets and the weakened line is located at an end of each sheet when such sheet joins the end of the adjacent sheet by the weakened line as seen in Figure 1 and 2 (as in claim 18), and wherein the weakened line comprises perforations as in Figure 1 (as in claim 19), for the purpose of allowing individual sheets of uniform size to be torn evenly as discussed in column 2, line 42.

Therefore, it would have been obvious to one having ordinary skill in the art to provide Craig et al. with a weakened line in order to easily tear individual sheets evenly.

Moreover, Craig et al. does not show the plurality of fan folded sheets comprise fold lines formed in a length direction of the sheets; however, Steeves teaches the notoriously well known use of longitudinal fold lines in a length direction in order to provide a compactly packaged article as in column 1, line 54.

Therefore, it would have been obvious to one having ordinary skill in the art to provide longitudinal fold lines in order to provide compact packaging.

Craig et al. discloses the claimed invention except for having the liquid at an addition rate of about 25 to about 600 weight percent based on dry weight of the stack of fan folded material (as in claim 23). It would have been obvious to one having ordinary skill in the art at the time the invention was made to find an optimum range for liquid application, since it has been held that where the general conditions of a claim are disclosed in the prior art, discovering the optimum or workable ranges involves only routine skill in the art. *In re Aller*, 105 USPQ 233.

***Conclusion***

6. Applicant's remarks have been fully considered but are deemed moot in view of the new grounds of rejection.

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

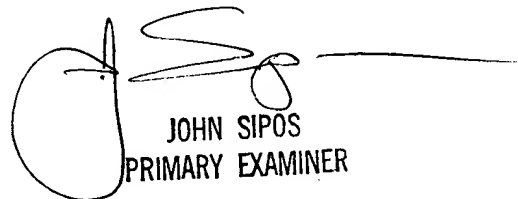
8. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Louis B Tran whose telephone number is 703-305-0611. The examiner can normally be reached on 8AM-6PM Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rinaldi I Rada can be reached on 703-308-2187. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



JOHN SIPOS  
PRIMARY EXAMINER

lbt